

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
APPLICATION FOR CHANGE/TRANSFER  
**REPORT OF EXAMINATION**  
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

- ☐ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- ☒ Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
August 2, 1965	7722	7472	6311-A

NAME	Washington State Parks & Recreation Commission		
ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
7150 Cleanwater Lane	Olympia	Washington	98504-2650

**PUBLIC WATERS TO BE APPROPRIATED**

SOURCE

Two (2) Wells - (Well #1 is for public park purposes only; Well #2 is for irrigation use only).

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR
	75	28

QUANTITY, TYPE OF USE, PERIOD OF USE

75 gallons per minute and 28 acre-feet per year (20 acre-feet per year for public park purposes, continuously throughout entire year and 8 acre-feet per year for the irrigation of 2 acres, from May 1 through October 31, each year).

**LOCATION OF DIVERSION/WITHDRAWAL**

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

Well #1) 650 feet South and 1300 feet West of the E $\frac{1}{4}$  of Section 8;  
Well #2) 440 feet North and 180 feet West of the E $\frac{1}{4}$  of Section 8.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
Well #1) NE $\frac{1}{4}$ SE $\frac{1}{4}$ (Government Lot 7)	8	37	33 E.	60	FERRY
Well #2) SE $\frac{1}{4}$ NE $\frac{1}{4}$ (Government Lot 6)					

**RECORDED PLATTED PROPERTY**

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**

Curlew State Park, within Government Lots 6 and 7 of Sec. 8 and Government Lot 2 and NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 9, ALL in T. 37 N., R. 33 E.W.M.

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## DESCRIPTION OF PROPOSED WORKS

Two (2) wells, pumps, distribution system, reservoirs.

## DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:

Started

COMPLETE PROJECT BY THIS DATE:

July 1, 2004

WATER PUT TO FULL USE BY THIS DATE:

July 1, 2006

## REPORT

### BACKGROUND

An application for change/transfer was submitted by the Washington State Parks & Recreation Commission (WSPRC of Olympia, Washington) to the Department of Ecology on January 6, 1997 for Curlew Lake State Park. This application was returned (containing an incorrect well location) and an amended application was later submitted on February 6, 1997. The applicant proposes to add one point of withdrawal (an existing well) as granted under Ground Water Certificate No. 6311-A.

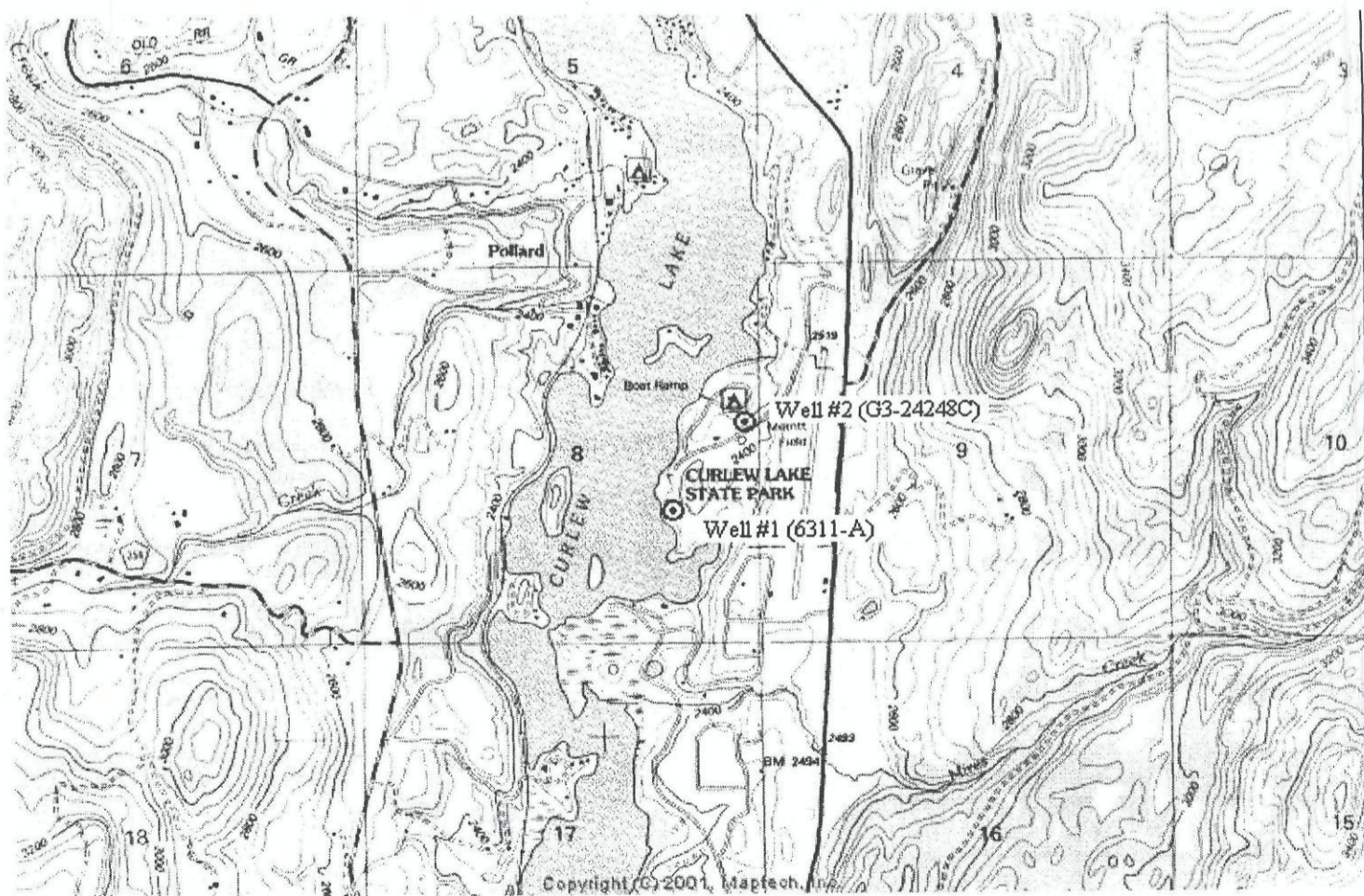
A notice of application was duly published in accordance with RCW 90.03.280 and no protests were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW. A permit issued under this application is exempt under the Family Farm Water Act of 1977, Chapter 90.66 RCW.

### INVESTIGATION

In considering the proposed change, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Ground Water Certificates No's 6311-A, G3-24248C and other water rights/claims/applications in the vicinity; (3) water well reports for the applicant's well, and other wells in the vicinity; (4) USGS topographic maps; and (5) discussions with Department of Ecology regional program staff; including review by Ecology hydrogeologists.

A field investigation was conducted by Gene Drury and Laurie Dahmen from Ecology on October 10, 2001 with Rick Saunders (Head Park Ranger), Dave Jaquish (Maintenance & Preservation Manager) and Charlie Korb (Park Ranger) on site at Curlew Lake State Park. The Curlew State Park is located approximately five (5) miles northeast of the Town of Republic, Washington on the eastside of Curlew Lake. The park is roughly 124 acres in size and includes campsites, picnic and swimming areas and a boat launch.



Township 37 North, Range 33 E.W.M. (Republic – U.S.G.S. 7.5 minute)

The water used for Curlew Lake State Park is authorized under the following two (2) Ground Water Certificates:

### Ground Water Certificate 6311-A

**Name on Certificate:** Washington State Parks & Recreation Commission  
**Priority date:** August 2, 1965  
**Qi:** 75 gallons per minute  
**Qa:** 28 acre-feet per year (8 af/yr for irrigation; 20 af/yr for public park purposes)  
**Purpose:** Public Park purposes (Including the Irrigation of two acres of lawn and grounds)  
**Period of use:** May 1 to October 31 for irrigation; Continuous for public park purposes  
**Source:** A well (#1)  
**Point of Withdrawal:** NE $\frac{1}{4}$ SE $\frac{1}{4}$  (Government Lot 7), Sec. 8, T. 37 N., R. 33 E.W.M.  
**Place of Use:** Curlew State Park, within Government Lots 6 and 7 of Sec. 8 and Government Lot 2 and NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 9, ALL in T. 37 N., R. 33 E.W.M.

#### Ground Water Certificate G3-24248C

**Name on Certificate:** Washington State Parks & Recreation Commission  
**Priority date:** March 31, 1975  
**Qi:** 150 gallons per minute  
**Qa:** 30 acre-feet per year  
**Purpose:** Irrigation of nine (9) acres  
**Period of use:** May 1 to October 15  
**Source:** A well (#2)  
**Point of Withdrawal:** SE $\frac{1}{4}$ NE $\frac{1}{4}$  (Government Lot 6), Sec. 8, T. 37 N., R. 33 E.W.M.  
**Place of Use:** Government Lot 6, Sec. 8, T. 37 N., R. 33 E.W.M.

The original park well (#1) was constructed on June 16, 1959 by Ralph Furness (Republic, WA) to a total depth of 97 feet. This well is authorized under Certificate No. 6311-A and contains 97 feet of casing, perforated from 65 to 97 feet. Well #1 was constructed into fine sands and gravels and will produce the authorized 75 gallons per minute with a three horsepower submersible pump. This well is located in the "South Campground" and is identified by Department of Ecology Unique Well ID #AHC055. This well provides all of the domestic water supply for the park.

In October, 1975, a second well (Well #2) was constructed in the park and is authorized under Certificate No. G3-24248C. Well #2 was constructed by Bartholomew Drilling (Nine Mile Falls, WA) to a total depth of 80 feet into sands and gravels and contains 80 feet of casing. This well produces more than the authorized 150 gallons per minute and contains a 15 horsepower submersible pump. This well is located in the northern portion of the park and is identified by Department of Ecology Unique Well ID #AHC056. Well #2 provides irrigation water for 9 acres of the park. An application for change/transfer was originally accepted under G3-24248C to add Well #1 and change the place of use. It was decided that this application was not required and it was withdrawn by the Washington State Parks & Recreation Commission. The application was formally rejected by Ecology on December 17, 2001.

Storage for the entire park water system is currently provided by two 10,000 gallon reservoirs. The goal of the park is to provide all of its irrigation water from one source (Well #2). All domestic water is currently provided from Well #1. This change would involve extending the irrigation main lines from Well #2. This proposed change application would allow the park to irrigate the two acres (currently authorized under Certificate No. 6311-A) from the primary irrigation well.

#### EVALUATION OF THE WATER RIGHT & HISTORIC WATER USE

The Washington State Supreme Court, in Okanogan Wilderness v. Town of Twisp and Department of Ecology, 133 Wn.2d 769, 947 P.2d 732 (1997), found that applications for change/transfer may be granted only to the extent the water has been historically put to beneficial use, as beneficial use determines the measure of a water right. They also found that the existence and quantification of a water right must be determined, including whether or not the water right has been lost for non-use before the Department can approve a change or transfer of the water right.

Based on information provided by George A. Ropoza, Jr., P.E. (Washington State Parks & Recreation Commission) it appears that the water use within Curlew State Park has been historically used and has been perfected under Ground Water Certificate No. 6311-A. According to Mr. Ropoza, it is estimated that the average park attendance for the past two years (1999-2000) was 107,000 persons (Agency attendance reports). The domestic water use in the park includes the following:

- 1 Residence
- 1 Shop
- 1 Trailer dump
- 2 comfort stations
- 18 full hookup RV sites (water, sewer and electrical)
- 7 partial hookup RV sites (water and electrical)
- 57 standard campsites

5 primitive fly-in campsites (located near airport)

Day use facilities (10 picnic sites, 14 parking spaces for cars, 12 parking spaces for boat launch)

A map provided by Mr. Ropoza outlines the eleven acres of irrigation (in red) within the park boundaries. The irrigation under the above referenced certificates occurs within Government Lots 6 and 7 of Section 8.

Approximately nine (9) acres is being irrigated within Government Lot 6 (this is where the primary camping area and boat launch is located). Approximately two acres is irrigated within Government Lot 7 near the swimming area. Through this application and the proposed change, the applicant is not requesting any additional water uses.

#### **Hydrogeologic Analysis:**

Applications for change/transfer of water right permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued by the Department only on the conditions that; (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

Water well reports are recorded with the Department of Ecology for Well #1 and Well #2. The wells, both constructed into sands and gravels with similar total depths, have identical static water levels (20 feet below top of well at time of construction) and, therefore, appear to be constructed into the same aquifer. The park wells both withdraw water from the same body of public ground water.

#### **Impairment Analysis**

"Impair" or "impairment" means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, including earlier filed applications, and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flows levels established by rule (POL-1200); and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

#### **Other Water Rights in Surrounding Area:**

A review of Ecology records was conducted for existing ground water rights, permits, applications and claims in vicinity of the Curlew State Park. The search focused primarily on the East half of Section 8 and the West half of Section 9, both in T. 37 N., R. 33 E.W.M. Other than Ground Water Certificate No. G3-24248C (Washington State Parks & Recreation Commission), there were no recorded overlapping water rights or other rights/claims near the existing wells. Additionally, there were no recorded domestic wells in the search area in close proximity to the park wells and there has been no well interference reported. This change should have no impact on any existing wells or water rights.

#### **CONCLUSION:**

When considering an application for change/transfer to a water right, Ecology must determine that the proposed change can be made without detriment or injury to existing water right. Factors considered when determining potential impact include the following:

##### **No Impairment to Existing Rights:**

There has been no documented history of pumping interference between existing wells in this area, and it is not anticipated that this change would cause any impairment to existing water rights.

##### **No Detriment to the Public Welfare:**

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change.

##### **No Enhancement of the Original Right:**

No withdrawal of water over and above what has been historically put to beneficial use and/or originally authorized under existing rights through approval of this change.

##### **Same Source of Water:**

The ground water withdrawn at both well locations is considered to be from the same body of public water.

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44 RCW, this application for change to add one point of withdrawal will not enlarge the water right originally authorized for beneficial use, nor will it impair existing rights or be detrimental to the public welfare.

**RECOMMENDATIONS:**

The applicant's request to add one point of withdrawal under Ground Water Certificate No. 6311-A is approved, subject to the following provisions:

"This change/transfer authorizes one additional point of withdrawal (Well #2) under Certificate No. 6311-A located within the SE¼NE¼ (Government Lot 6) of Sec. 8, T. 37 N., R. 33 E.W.M."

"Well #1 will be used for public park purposes only (domestic water supply). A total of 75 gallons per minute, 20 acre-feet per year may be withdrawn from Well #1 for public park purposes under Ground Water Certificate No. 6311-A."

"Well #2 will be used for irrigation purposes only. Two (2) acres are authorized under Ground Water Certificate No. 6311-A and nine (9) acres are authorized under Ground Water Certificate No. G3-24248C. Under these two existing certificates, a total of 150 gallons per minute, 38 acre-feet per year is authorized from Well #2 for the irrigation of eleven (11) acres."

"A future superseding certificate under 6311-A shall issue only after a final examination has been made."

An approved measuring device shall be installed and maintained in accordance with the rule "Requirements for Measuring and Reporting Water Use," Chapter 173-173 WAC. Water use data shall be recorded weekly.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Information on installation, operation and maintenance requirements are attached.

"Any future pump test data for the new well shall be submitted as it is obtained to the Department of Ecology."

"The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required."

"This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise."

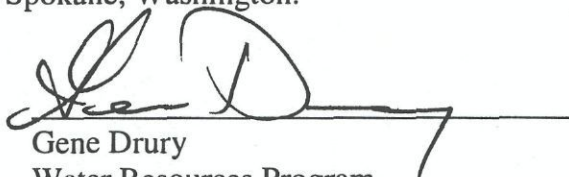
"Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations."

"All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells)."

"Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities."

DATED this 21<sup>st</sup> day of February, 2002 in Spokane, Washington.

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Gene Drury  
Water Resources Program  
Department of Ecology – Eastern Regional Office

GD:kay

Y:WR/Final ROE/Drury/2002/Cert No. 6311-A WA State Parks ROE 2-8-2002.doc